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OFFICE OF PETITIONS

In re Application of :
Downs et al. :
Application No. 10/071,877 :
Filed: February 8, 2002 :
Attorney Docket No. 36-001810US :

ON PETITION

This is in response to the petition under 37 CFR 1.137(b), filed September 12, 2005, to revive the above-identified application.

On December 29, 2004, the Office mailed a final Office action, which set a three month shortened statutory period for reply. On June 26, 2005, petitioner submitted a request for an extension of time for response within the third month and an amendment after final. Thereafter, the amendment was entered and made of record. On August 26, 2005, the Office mailed a nonfinal Office action, which set a three month shortened statutory period for reply. To date, the USPTO has not received a response to the Office action of August 26, 2005. Accordingly, the time period for filing a proper response continues to run. Because petitioner may obtain extensions of time to respond under 37 CFR 1.136(a), the application is currently not abandoned. Therefore, the petition is dismissed as involving a moot issue.

To avoid abandonment of the application, petitioner must submit a proper response to the Office action of August 26, 2005 with a request for an extension of time for response, and pay the extension of time fee no later than February 26, 2006.

The \$1,500.00 petition fee is unnecessary and will be refunded to Deposit Account No. 50-0893.

Petitioner may access the nonfinal Office action of August 26, 2005, via the Patent Application Information Retrieval (PAIR) System, see <http://pair-direct.uspto.gov>. Any inquiry concerning the Office action or the status of the application should be directed to Examiner Brian J. Sines, Ph.D. at (571) 272-1265.

Telephone inquiries related to this communication may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

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